

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7 OAKLAND DIVISION
8

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 WILLIAM MITCHELL,

13 Defendant.
14

Case No: CR 09-01158 SBA (KAW)

**FINDINGS AND
RECOMMENDATIONS
REGARDING SUPERVISED
RELEASE**

15
16 Pursuant to the designation issued by the District Court under 18 U.S.C. § 3401(i), the
17 Court conducted a supervised release violation hearing in this matter on November 4, 2015. For
18 the reasons that follow, the Court recommends that the District Court: revoke Defendant William
19 Mitchell's supervised release; sentence him to the custody of the Bureau of Prisons for a period of
20 six months; impose a new term of supervised release for a period of 52 months; and adopt all
21 previously-imposed conditions of release, with the exception of the condition that the defendant
22 reside at a Residential Reentry Center ("RRC").

23 The Court makes the following findings and recommendations:

24 1. On the hearing date set forth above, the defendant, with the assistance of counsel,
25 was advised that: (a) he has the right to have a district judge conduct a hearing to modify, revoke,
26 or terminate his supervised release; (b) he may expressly waive that right and consent to have such
27 hearing conducted by a magistrate judge; (c) if he consents to have a magistrate judge conduct the
28 supervised release revocation hearing, the designated magistrate judge will submit proposed,

1 written findings of fact and recommendations to the district judge regarding the modification,
2 revocation, or termination, including, in the case of revocation, a recommended disposition under
3 18 U.S.C. § 3583(e); (d) the magistrate judge's findings and recommendations will be reviewed by
4 the district judge; and (e) the district judge, not the magistrate judge, will make the final decision
5 regarding whether to terminate, modify or revoke his supervision. Based on the defendant's
6 acknowledgment of the foregoing, the Court finds that the defendant intelligently, voluntarily and
7 expressly consented to have a magistrate judge conduct his supervised release revocation hearing.

8 2. The Court questioned the defendant to ensure that he has had a full and fair
9 opportunity to discuss with his attorney the charges pending against him in this supervised release
10 revocation hearing.

11 3. The Court read the charges pending against the defendant, as set forth in the Petition
12 for Arrest Warrant for Offender under Supervision. The defendant acknowledged that he
13 understood the charges alleged against him.

14 4. The defendant further acknowledged his awareness of the following rights:
15 (a) written notice of the alleged violations; (b) disclosure of the evidence against him; (c) an
16 opportunity to appear and present evidence on his behalf; (d) the opportunity to question adverse
17 witnesses; (e) notice of his right to be represented by counsel; and (f) the right to appeal.

18 5. With the foregoing rights in mind, the defendant admitted each of the two charges
19 alleged against him in the Petition for Arrest Warrant for Offender under Supervision.

20 6. The parties stipulated in open court that for purposes of these proceedings that the
21 facts set forth in the Petition for Arrest Warrant for Offender under Supervision provide a sufficient
22 factual predicate for the defendant's admissions.

23 7. Based upon the defendant's admission and the parties' stipulation, the Court finds
24 that the Government has shown by a preponderance of the evidence that the defendant violated the
25 conditions of his supervised release, as alleged in Charges 1 and 2 of the Petition for Arrest
26 Warrant for Offender under Supervision.

27 8. Following the defendant's admission of the charges alleged against him, the Court
28 conducted the disposition phase of the proceeding.

- 3 -